

ARIZONA BAIL BONDSMEN ASSOCIATION

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*Proposed Amendment
Premiums; Fees*

TAB 5

SPONSORED BY SENATOR MCCOMISH

Last Updated: **October 6, 2011**

Premiums; Fees

Sec. 12. Title 20, chapter 2, article 3.4, Arizona Revised Statutes, is amended by adding new sections 20-340.06 and 20-340.07, to read:

20-340.06. Premiums; fees

A. A BAIL BOND AGENT SHALL CONSPICUOUSLY DISPLAY THE BAIL BOND PREMIUM SCHEDULE AT EACH BUSINESS LOCATION. THE AGENT SHALL PROVIDE A FEE DISCLOSURE STATEMENT THAT INCLUDES ALL PREMIUM AND FEE SCHEDULES TO THE POTENTIAL INDEMNITOR.

B. THE SURETY INSURER OR THE BAIL BOND AGENT SHALL RETURN THE BAIL BOND INSURANCE PREMIUM TO THE INDEMNITOR IF THE BAIL BOND AGENT SURRENDERS AN ARRESTEE TO CUSTODY BEFORE THE TIME SPECIFIED IN THE BAIL BOND UNLESS:

- 1. THE ARRESTEE'S RETURN TO CUSTODY WAS REQUIRED BY LAW.**
- 2. THE ARRESTEE VIOLATED A LAWFUL PROVISION OF THE BAIL BOND AGREEMENT OR ANY BAIL BOND TERMS AND CONDITIONS OF THE BAIL BOND AGENT. TO INCLUDE UNPAID PREMIUM AND OR FEES.**
- 3. THE ARRESTEE MATERIALLY MISREPRESENTED INFORMATION ON THE APPLICATION FOR BAIL BOND INSURANCE THAT CAUSED THE RISKS ASSOCIATED WITH THE ARRESTEE'S RELEASE TO BE MATERIALLY GREATER THAN THE BAIL BOND AGENT OR SURETY BELIEVED THEY WOULD BE.**
- 4. THE ARRESTEE IS CHARGED WITH A NEW OFFENSE AND THE BAIL BOND AGENT NO LONGER WANTS TO BE RESPONSIBLE FOR THE ARRESTEE AND THE BAIL BOND ISSUED.**
- 5. THE ARRESTEE THREATENS OR INTIMIDATES OR HIRES ANOTHER PERSON TO THREATEN OR INTIMIDATE A BAIL BOND AGENT OR AN EMPLOYEE OF THE BAIL BOND AGENT. FDA APPROVED TEST UNDER ARIZONA STATUTES.**
- 6. THE ARRESTEE TESTS POSITIVE FOR A CONTROLLED SUBSTANCE IN A TEST ADMINISTERED BY THE BAIL BOND AGENT.**
- 7. AN INDEMNITOR REVOKES THE COLLATERAL OR FAILS TO PAY THE AGREED PREMIUMS AND FEES ON THE PAYMENT SCHEDULE.**
- 8. THE SURETY OR BAIL BOND AGENT SHALL CHARGE NO LESS THAN THE FIFTEEN PERCENT OF THE BOND AMOUNT OF THE SECURED APPEARANCE BOND FOR THE PREMIUM ANNUALLY.**
- 9. BAIL BOND AGENT SHALL NOT ACCEPT ANY PREMIUM OR COMMISSION FROM ANY OUT OF STATE BAIL BONDSMAN TO POST A BOND FOR A NON-ARIZONA BAIL BONDSMAN OR ANY SURETY, TRANSFER BONDS ARE PROHIBITED FROM NON-ARIZONA LICENSED BONDSMEN.**